



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 116th CONGRESS, FIRST SESSION

Vol. 165

WASHINGTON, WEDNESDAY, MARCH 13, 2019

No. 45

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. GRASSLEY).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

O God, our righteous judge, the upright will behold your face. Lord, we thank You for Your power that keeps us from stumbling on life's road. Today, give our Senators the wisdom to find in You their refuge and strength. As they face complex challenges, may they flee to You for guidance and fellowship. Lord, as they make You the foundation of their hope and joy, empower them to run life's race without weariness, knowing that Your bountiful harvest of goodness is certain.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mrs. BLACKBURN). Under the previous order, leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will pro-

ceed to executive session to resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Neomi J. Rao, of the District of Columbia, to be United States Circuit Judge for the District of Columbia Circuit.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

NOMINATIONS

Mr. MCCONNELL. Madam President, yesterday the Senate confirmed a well-qualified jurist chosen by President Trump to serve on the Third Circuit Court of Appeals. Paul Matey of New Jersey will bring a wealth of experience to the bench, and I was proud to support his nomination.

We also voted to advance the nomination of Neomi Rao to the DC Circuit. This nominee is yet another of the President's excellent choices to serve as a Federal judge.

Ms. Rao graduated with honors from Yale and the University of Chicago School of Law. Her record includes a distinguished tenure in academia, public and private sector legal experience, as well as a clerkship on the U.S. Supreme Court.

Most importantly, in testimony before our colleagues on the Judiciary Committee, she demonstrated a commitment to maintaining the public trust and upholding the rule of law. So the committee favorably reported Ms. Rao's nomination, and soon the Senate will have an opportunity to continue fulfilling our advice and consent responsibilities by voting to confirm her to the Federal bench.

We will also vote this afternoon on the nomination of William Beach, who has been waiting for over a year to take his post as Commissioner of Labor Statistics. Our colleagues on the HELP Committee recommended Mr. Beach to the floor in December of 2017. A full year later, with no progress, he was returned to the White House. Now he is

finally getting a floor vote. This pointless obstruction needs to change, but I am glad we can at least confirm Mr. Beach this week.

YEMEN

Madam President, now, on another matter, the Senate will soon vote on a resolution under the War Powers Act. I strongly oppose this unnecessary and counterproductive resolution and urge our colleagues to join me in opposing it.

From the outset, let me say this. I believe it is right for Senators to have grave concerns over some aspects of Saudi Arabia's behavior, particularly the murder of Jamal Khashoggi. That is not what this resolution is about, however. In December, the Senate voted on a resolution that addressed this institution's concerns about Saudi Arabia.

If Senators continue to have concerns about Saudi behavior, they should raise them in hearings and directly with the administration and directly with Saudi officials, as I have done, and they should allow a vote on the confirmation of retired GEN John Abizaid, whose nomination to be U.S. Ambassador to Riyadh is being held up once again by Democratic obstruction.

They should also allow a vote on the nomination of David Schenker to be Assistant Secretary of State for Near Eastern Affairs. He has been held up here for nearly a year. If we want to solve problems in the Middle East through diplomacy, we will need to confirm diplomats.

Regarding Yemen, it is completely understandable that Senators have concerns over the war, the American interests entangled in it, and its consequences for Yemeni civilians. I think there is bipartisan agreement, shared by the administration, that our objective should be to end this horrible conflict, but this resolution doesn't end the conflict. It will not help Saudi pilots avoid civilian casualties. It will

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S1807

not enhance America's diplomatic leverage. In fact, it will make it harder to achieve those very objectives.

This is an inappropriate and counter-productive measure. First, the administration has already ended—ended—air-to-air refueling of coalition aircraft. We only provide limited noncombat support to the U.N.-recognized Yemeni Government and to the Saudi-led coalition. It certainly does not—does not—constitute hostilities.

Second, there are real threats from the Houthis in Yemen whom Iran, as we all know, is backing. Missiles and explosives are being aimed at civilians, anti-ship missiles are being fired at vessels in key shipping lanes of global importance.

If one of those missiles kills a large number of Saudi or Emirati civilians, let alone Americans who live in Riyadh or Dubai, say goodbye to any hope of a negotiated end to this conflict. These threats will not evaporate. They are not going to go away if the United States ends its limited support. So I think of the American citizens who live in the regions.

Third, our focus should be on ending the war in Yemen responsibly. Pulling the plug on support to our partners only undermines the very leverage and influence we need to help facilitate the U.N.'s diplomatic efforts. The United States will be in a better position to encourage the Saudi-led coalition to take diplomatic risks if our partners trust that we appreciate the significant, legitimate threats they face from the Houthis.

Fourth, we face real threats from al-Qaida in the Arabian Peninsula. We need cooperation from Yemen, the UAE, and Saudi Arabia to defeat those terrorists. So we should think twice about undermining these very partners whose cooperation we obviously need for our own security.

Here is my bottom line. We should not use this specific vote on a specific policy decision as some proxy for all the Senate's broad feelings about foreign affairs. Concerns about Saudi human rights issues should be directly addressed with the administration and with the Saudi officials. That is what I have chosen to do. That is what I recommend others do.

As for Yemen, we need to ask what action will actually serve our goal; that is, working with partners to encourage a negotiated solution.

Withdrawing? Would withdrawing our support facilitate efforts to end the war, or just embolden the Houthis? Would sending this signal enhance or weaken our leverage over the Saudi-led coalition? Would voting for this resolution strengthen the hand of the U.N. Special Envoy, Martin Griffiths, or in fact undermine his work? Would we prefer that Saudi Arabia and the UAE go to China and Russia for assistance instead of the United States?

The answers to these questions is pretty clear. We need to vote no on this misguided resolution.

THE GREEN NEW DEAL

Madam President, now one final matter. Yesterday, I continued the discussion we have been having about the strange ideas that seem to have taken hold of Washington Democrats.

Ideas like the Democrat politician protection act, a scheme to limit America's First Amendment right to political speech and force taxpayers to subsidize political campaigns, including ones they disagree with. It did not earn a single Republican vote in the House, by the way. Thank goodness.

Ideas like Medicare for None, which could spend more than \$32 trillion to hollow out seniors' health benefits and boot working families from their chosen plans into a one-size-fits-all government scheme.

Even the soaring costs and massive disruption that plan would cause American families are dwarfed—dwarfed—by the grandiose scheme they are marketing as the Green New Deal.

By now, we are all familiar with the major thrust of the proposal: powering down the U.S. economy, and yet somehow also creating government-directed economic security for everyone—for everyone—at the same time.

Naturally, accomplishing all this is quite a tall order. According to the Democrats' resolution, it will require overhauling every building in America to meet strict new codes, overseen, of course, by social planners here in Washington. It would require banning the production of American coal, oil, and natural gas in 10 short years and cracking down on transportation systems that produce any emissions, which, as one hastily deleted background document made clear, is just a polite way of saying Democrats want to eventually ban anything with a motor that runs on gasoline. They want to ban anything with a motor that runs on gasoline.

I thought "Abolish ICE" was bad enough when Democrats were rallying to close down all of Immigration and Customs Enforcement, but now what do we get? The far left also wants to abolish the internal combustion engine. I gather somewhere around that time is when the miraculous, promised universal job guarantee would kick in as well. It is just a good, old-fashioned, state-planned economy—garden-variety 21st-century socialism.

Our Democratic colleagues have taken all the debunked philosophies of the last 100 years, rolled them into one giant package, and thrown a little "green" paint on them to make them look new, but there is nothing remotely new about a proposal to centralize control over the economy and raise taxes on the American people to pay for it.

Margaret Thatcher famously said that the trouble with socialist governments is "they always run out of other people's money." How often have we heard that? Well, this dangerous fantasy would burn through the American people's money before it even got off the launchpad.

The cost to the Treasury is just the beginning. It is hard to put a price tag on ripping away the jobs and livelihoods of literally millions of Americans. It is hard to put a price tag on forcibly remodeling Americans' homes whether they want it or not and taking away their cars whether they want that or not. It certainly is difficult to put a price tag on unilaterally disarming the entire U.S. economy with this kind of self-inflicted wound while other nations, such as China, go roaring by—roaring by.

By definition, global emissions are a global problem. Even if we grant the Democrats' unproven claim that cratering American industries and outlawing the energy sources that middle-class families can afford would produce the kinds of emissions changes they are after, we need to remember that the United States is only responsible for about 15 percent of the world's greenhouse gas emissions—only 15 percent of the global total.

According to the Department of Energy, the United States cut our own energy-related carbon emissions by 14 percent from 2005 to 2017. So we cut carbon emissions in this country significantly from 2005 to 2017. Well, it is appropriate to ask, what did the rest of the world do? They kept soaring higher and higher.

In the same period that the United States cut our energy-related carbon emissions by 14 percent, the International Energy Agency found that worldwide, energy-related carbon emissions rose by 20 percent everywhere else. China—the world's largest carbon emitter—increased its emissions dramatically over that period. So, believe me, if Democrats succeeded at slowing the U.S. economy and cutting our prosperity because they think it will save the planet, China will not pull over by the side of the road to keep us company; they will go roaring right by us.

The proposal we are talking about is, frankly, delusional—absolutely delusional. It is so unserious that it ought to be beneath one of our two major political parties to line up behind it.

The Washington Post editorial board—not exactly a bastion of conservatism—dismissed the notion that "the country could reach net-zero greenhouse-gas emissions by 2030" as "an impossible goal."

In a clear sign of how rapidly Democrats are racing to the far left, President Obama's own Energy Secretary said the same thing. He said: "I just cannot see how we could possibly go to zero carbon in the 10-year timeframe."

These Washington Democrats' leftward sprint is leaving Obama administration officials in the dust and even parts of their own base. Listen to what Democrats' usual Big Labor allies have to say about this socialist nightmare. Union leaders with the AFL-CIO say this proposal "could cause immediate harm to millions of our members and their families." That is what the AFL-CIO union leaders said. Immediate harm to American workers,

American farmers, American families, and America's future, and nowhere near enough reduction in global emissions to show for it. It is a self-inflicted wound for the low price, by one estimate, of somewhere in the neighborhood of \$93 trillion.

This is not based on logic or reason; it is just based on the prevailing fashions in New York and San Francisco. That is what is defining today's Democrats.

ORDER OF BUSINESS

Madam President, I ask unanimous consent that following the disposition of the Beach nomination, the Senate resume legislative session for a period of morning business, with Senators permitted to speak for up to 10 minutes each, and that there be 30 minutes of debate controlled by Senator ERNST or her designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

DECLARATION OF NATIONAL EMERGENCY

Mr. SCHUMER. Madam President, tomorrow, the Senate will vote on a resolution to terminate the President's emergency declaration—a declaration that undermines our separation of powers in order to fund the President's wall with American taxpayer dollars, despite Candidate Trump's repeated promises that Mexico would pay for it.

The resolution could not be any simpler. All it says is this, one single sentence: "Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, pursuant to section 202 of the National Emergencies Act . . . the national emergency declared by the finding of the President on February 15, 2019, in Proclamation 9844 . . . is hereby terminated."

That is it in the entirety. There are no political games here. There is no "gotcha." There is no discussion as to whether we need a wall, whether there is a crisis on the southern border. It simply says that this is not an emergency.

The vote tomorrow boils down to something very simple for our Republican friends: Do you believe in the Constitution and conservative principles? There are all of these self-proclaimed conservatives. Well, the No. 1 tenet of conservatism is that no one, particularly an Executive, a President, should have too much power. That has been what conservatives have stood for through the centuries, and all of a sud-

den, because Donald Trump says he wants to declare an emergency, are people going to succumb?

The Founding Fathers would be rolling in their graves. They would be rolling in their graves for any President, let alone this one who we know overreaches in terms of power and who we know has no understanding of the exquisite and delicate balance that James Madison, George Washington, Thomas Jefferson, and so many others created in the Constitution and the Bill of Rights.

Do our Republican friends stand for conservative principles? Do they stand for any principles at all, or do they just take a loyalty pledge to President Trump and meekly do whatever he wants? It is that simple.

There are a lot of issues on which we disagree. There are lots of times our Republican friends bow to President Trump, but there ought to be an exception. And if there ever were an exception, it should be this.

Many of my Republican colleagues rightly stood up and told the President not to take this action. Leader MCCONNELL himself said it was a bad idea, a bad precedent, contravenes the power of the purse, a dangerous step, an erosion of congressional authority. And they, our Republican friends, were right. The President himself said he "didn't need to do this." That is not an emergency.

Are we going to say that anytime a President can't get his or her way with Congress, they can declare an emergency and Congress will meekly shrug its shoulders and walk by and bow in obeisance to any President, Democratic or Republican? What a disgrace.

This is one of the true tests of our Republican colleagues—one of the true tests—because it has always been the Democratic Party that has been for a stronger Executive. Dwight Eisenhower was worried about too much power going to the President, and so was Ronald Reagan. Where are our Republican friends now? Has Donald Trump turned this Republican Party and its conservative principles so inside out that we can't even get four votes to declare that this isn't an emergency, that we can't get 20 votes to say to the President that we will override this, because this is far more important than any view on the wall or the southern border, which we all know has been going on for a long time. While the President thinks it is an emergency, Congress clearly didn't. Even when Republicans controlled the House and Senate, they did nothing about the wall.

I have talked to a lot of my Republican colleagues. They know what this is all about. Everyone here knows the truth. The President did not declare an emergency because there is one; he declared an emergency because he lost in Congress and wanted to go around it. He has no principles in terms of congressional balance of power. We know that. We all know that. So to bow in obeisance to him when we all know

what he is doing is so wrong—a low moment for this Senate and its Republican friends.

When it comes to the Constitution, you ought to stand up to fear and do the right thing no matter who is in the White House. My Republican friends know the right thing to do. They should not be afraid to do it.

Last I checked, we all took the same oath of office. What did it say? "Uphold the Constitution."

There are different views on the Constitution, but I haven't heard one constitutional scholar—left, right, or center—say that this upholding the President on this emergency is the right thing to do in terms of the Constitution. I hope my Republican friends will join us.

Now, it seems, from what I read in the press reports this morning, that some Senators are in search of a fig leaf. They want to salve their consciences. They know this is the wrong thing to do.

They came up with this idea that will change the emergency declaration for future moments. Reports indicate that a group of Republican Senators are pushing legislation that would ignore the President's power grab but limit future emergency declarations—what bunk, what a fig leaf. That will not pass.

To my friend, the Senator from Utah, who I know does have constitutional qualms, he is squirming. His legislation will not pass.

Let me just read you what Leader PELOSI said a few minutes ago. This is from her statement:

Republican Senators are proposing new legislation to allow the President to violate the Constitution just this once in order to give themselves cover. The House will not take up this legislation to give President Trump a pass.

Do you hear me, my colleagues—my Republican colleagues? This will not pass. This is not a salve. It is a very transparent fig leaf. If you believe the President is doing the wrong thing, if you believe there shouldn't be an emergency, you don't say: Well, in the Congress we will introduce future legislation to change it, and, then, when the President declares another emergency, we will do new legislation to allow that too.

Come on. This fig leaf is so easily seen through, so easily blown aside that it leaves the constitutional pretensions of my Republican colleagues naked. The fig leaf is gone. Don't even think that it will have anything to do with what we are doing.

I hope my colleagues will stand strong. What the Republicans want to say with this fig leaf is, to paraphrase St. Augustine, "Grant me the courage to stand up to President Trump, but not yet."

Next time and next time and next time they will say the same thing.

Let's do the right thing. Let's tell the President that he cannot use his overreaching power to declare an emergency when he couldn't get Congress to

do what he wanted, and let's not make a joke of this by saying that there is some legislation that will not pass in the future that gives me the OK to vote for this, to vote against this resolution. That fig leaf makes a mockery of the whole Constitution and the whole process.

BUDGET PROPOSAL

President Trump put out his budget yesterday. It says "promises kept." That is one of the biggest lies I have ever seen because if you look at the booklet, it is promises broken.

The President said he would never cut Medicare and Medicaid. He slashes them. It is an \$845 billion cut to Medicare and \$1.5 trillion cut to Medicaid.

The President says he believes in a strong infrastructure bill. Promises kept? This bill cuts transportation by over 20 percent.

The President said that education is the civil rights of this generation. Promises kept? The President cuts education dramatically.

On issue after issue after issue, the President's budget shows the real President Trump and how far away he is from the promises he makes to the working people of America. Many of them are catching on, many more will, and this budget will be a way to show who the President is.

Even worse—not "even worse," but compounding the injury—there are huge giveaways to the wealthy, more tax breaks for the wealthiest of Americans. At a time when income distribution is getting more and more skewed to the top, when so much of the wealth of America and even the income of America goes to the top few, to have a budget that hurts the middle class, that hurts those trying to struggle to get to the middle class and makes it even easier for the wealthy to garner even more money—how out of touch is this budget?

I repeat my challenge. Leader MCCONNELL, this is your President. You seem to go along with him. Put this budget on the floor. Let's see if even a single Republican will vote for it. I would like to ask every one of my 53 Republican colleagues: How many of you will say, "I support this budget"? I bet not one—not one.

This budget is a slap on the face to every American who has worked hard every day, paid his or her taxes, expects Medicare in retirement, expects some way to afford healthcare for retirement.

President Trump's budget is inhumane. We Democrats will fight it and fight these heartless cuts at every single turn.

TARIFFS

Finally, on China, yesterday U.S. Trade Representative Robert Lighthizer told the Senate Finance Committee that he could predict the success of a trade agreement with China, saying there are major issues left to be resolved. I hope these major issues are the sinew—the meat—of what China does to us.

This is not an issue of soybeans or imports or balance of trade, which is getting worse, even with what President Trump did. This is an issue of China's stealing the greatness of the American economy. This is an example of China's being able to cascade huge amounts of products into America and not letting us sell our products freely there, or seldom, under such conditions that it isn't worth it, such as turning our intellectual property and know-how to China or to Chinese Government-controlled companies.

Lighthizer is doing a good job, but I worry that the President is more focused on getting a win than getting a good deal. The President should be proud that he stood up to North Korea and walked away. He should do the same thing here.

President Xi is not going to give him much, and the President should have the guts to walk away because China is in a much weaker position, in part, because of the tariffs that the President correctly imposed on China.

If the President walks away from a weak deal, the odds are very high that he will be able to come back to the table with a much better deal because China will have to relent. Stay strong. Don't cave. This is America's whole future at stake.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAMER). The Senator from Hawaii.

JUDICIAL NOMINATIONS

Ms. HIRONO. Mr. President, two weeks ago, the Senate broke a century of precedent and confirmed a judge, Eric Miller, to the Ninth Circuit over the objection of both home State Senators.

Last week, the majority leader filed cloture on two circuit court nominees, Paul Matey for the Third Circuit and Neomi Rao to replace Brett Kavanaugh in the DC Circuit.

Yesterday, Paul Matey became the second person in Senate history, after Eric Miller, to be confirmed without blue slips from both home State Senators. By eliminating the blue slip—a century-old policy that requires meaningful consultation between the President and home State Senators on judicial nominations—Senate Republicans have been able to speed through confirming partisan judges with strong ideological perspectives and agendas.

Donald Trump appointed 30 circuit court judges in his first 2 years in office. That is 17 percent of the Federal appellate bench. By contrast, President Obama appointed only 16 circuit court judges in his first 2 years in office, and President George Bush appointed 17.

Donald Trump and the majority leader, with the help of the chair of the Judiciary Committee, are breaking nearly every rule that stands in their way to stack, at breakneck speed, the Federal courts with deeply partisan and ideological judges.

And why are they doing this? They are packing the courts to achieve, through the courts, what they haven't

been able to accomplish through legislation or executive action—undermining *Roe v. Wade*, dismantling the Affordable Care Act, eliminating protections for workers, women, minorities, LGBTQ individuals, immigrants, and the environment.

The courts, with non-Trump judges, have been the constitutional guardrails stopping the Trump administration's deeply questionable policies and decisions, such as separating immigrant children from their parents, summarily ending DACA protections, and asking whether census respondents are U.S. citizens. All of these administration decisions have been stopped, for now, by Federal judges.

Trump's judicial nominees have extensive records of advocating for right-wing, ideologically-driven causes. In fact, these records are the reasons they are being nominated in the first place.

The nominees tell us to ignore their records and trust them when they say they will follow precedent and rule impartially, but after they are confirmed as judges, they can ignore promises made under oath during their confirmation hearing because they can. Short of impeaching these judges, there is nothing we can do about it—great for them, not great for Americans.

By the way, the average Trump judge tends to be younger, less diverse, and less experienced. They will be making rules that affect our lives for decades.

This week we are considering yet another Trump nominee, Neomi Rao, who should make us seriously ask how far the majority leader is willing to go to let Donald Trump pack the courts with extreme nominees and undermine the independence and impartiality of the Federal judiciary.

Neomi Rao is a nominee who has not only expressed offensive and controversial views in her twenties, but she has also continued to make concerning statements as a law professor. Her recent actions as Donald Trump's Administrator of the Office of Information and Regulatory Affairs, OIRA, have shown that her controversial statements in her twenties cannot be ignored as merely youthful indiscretions.

At the hearing, I asked her why, as a law professor, she defended dwarf-tossing by arguing that a ban on dwarf-tossing "coerces individuals" to accept a societal view of dignity that negates the dignity of an individual's choice to be tossed.

Does she seriously believe that dwarfs who are tossed do not share a societal view of dignity that being tossed is an affront to human dignity?

Ms. Rao asserted that she was only talking about a particular case and not taking a position one way or another on these issues. It is hard to understand what distinction she is making, but describing a ban on dwarf-tossing as not coercion is bizarre, especially coming from someone who purports to worry about the dignitary harm caused by affirmative action or diversity in education programs.

When I asked her about the strong ideological perspectives reflected in her writings and public statements, she claimed that she “come[s] here to this committee with no agenda and no ideology and [she] would strive, if [she] were confirmed, to follow the law in every case.”

Ms. Rao would have us ignore all of her controversial statements and positions and simply trust her blanket assertion that she has no agenda or ideology. In this, she is like the other Trump judicial nominees.

As a college student, Ms. Rao criticized environmental student groups for focusing on “three major environmental boogymen, the greenhouse effect, the depleting ozone layer, and the dangers of acid rain . . . though all three theories have come under serious scientific attack.”

More than two decades later, Ms. Rao demonstrated the same disregard for environmental concerns as the Administrator of the Office of Information and Regulatory Affairs, OIRA. In this position she has consistently used her power and influence to strip away critical protections for clean air and clean water. For example, Ms. Rao supported efforts to replace the Clean Power Plan, which would have reduced greenhouse gas emissions with a rule that would actually increase air pollution and could lead to up to 1,400 additional premature deaths.

Her claim that she would simply follow precedent is also contradicted by her statements and positions relating to racial injustice. In her twenties, while discussing the Yale Women’s Center and what she called “cultural awareness groups,” she argued that “[m]yths of sexual and racial oppression propagate [sic] themselves, create hysteria and finally lead to the formation of some whining new group.”

I just wonder, what are these whining new groups that she refers to? Could it be women who want to support programs that support women?

In 2015, as a law professor, she disparagingly described the Supreme Court case that reaffirmed the Fair Housing Act’s protections against disparate impact discrimination as a “rul[ing] by talking points,” not law.

In Texas Department of Housing v. Inclusive Communities Project, the Supreme Court recognized that the disparate impact doctrine is an important way “to counteract unconscious prejudices and disguised animus” based on a policy’s discriminatory effects. Despite the Supreme Court precedent, when Ms. Rao became the OIRA Administrator, she began working to weaken rules protecting against disparate impact discrimination—upheld by the Supreme Court, by the way—particularly in the area of housing.

Her writings and actions related to sexual assault and rape are another reason we should be hesitant to believe her claim that she will merely follow the law free of her strongly held ideological views. In her twenties, Ms. Rao

repeatedly wrote offensive statements about date rape and sexual assault that disparaged survivors. In writing about date rape, she argued that if a woman “drinks to the point where she can no longer choose, well, getting to that point was part of her choice.”

In criticizing the feminist movement, she asserted she was “not arguing that date rape victims ask for it” but then argued that “when playing the modern dating game, women have to understand and accept the consequences of their sexuality.”

At her hearing and in a subsequent letter to this Committee, Ms. Rao tried to walk away from these offensive writings, stating that she “regret[s]” some of them and believes “[v]ictims should not be blamed.” But at the hearing she continued to insist that her prior controversial statements were “only trying to make the commonsense observation about the relationship between drinking and becoming a victim.” That is not how her statements came across.

She seems to acknowledge that by further claiming that if she were addressing campus sexual assault and rape now, she “would have more empathy and perspective.” That claim rings hollow, as she only recently oversaw the Trump administration’s proposed title IX rule that would make it harder for college sexual assault survivors to come forward and obtain justice.

Among other things, the proposed rule would require schools to conduct a live hearing where the accused’s representatives can cross-examine the survivor. It would also have the school use a higher burden of proof for sexual misconduct cases than for other misconduct cases.

I will close by noting that Ms. Rao previously criticized the Senate Judiciary Committee’s confirmation hearings for judicial nominees. In writing about the Supreme Court confirmation process, she complained that nominees are “coached to choose from certain stock answers,” such as “repeatedly alleg[ing] fidelity to the law.”

Back then she readily acknowledged that “judges draw on a variety of tools in interpreting the law, and that these tools differ for judges based on their constitutional values.” But now that she has been nominated to become a judge, she is the one giving the Judiciary Committee the formulaic “stock answers” that she criticized.

Before she became a judicial nominee, she indicated that nominees should not be confirmed “based on incantations of the right formulas without an examination of their actual beliefs.” We should hold her to her own words.

An examination of Ms. Rao’s record and actual beliefs show that the controversial views she held in her twenties are not so different from her statements and actions as a legal professional. That is why I will be voting against Ms. Rao’s nomination, and I strongly urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

THE GREEN NEW DEAL

Mr. THUNE. Mr. President, desperate to distract from the \$93 trillion price tag of their so-called Green New Deal, the Democratic leadership here in the Senate has been coming down to the floor to claim that Republicans are ignoring climate change.

On February 14, the Democratic leader came to the floor and said: “Since Republicans took control of this Chamber in 2015, they have not brought a single Republican bill to meaningfully reduce carbon emissions to the floor of the Senate. Not one bill.” That is a quote from the Democratic leader just a month ago.

That would be news to me, and I think it would be news to some Democratic Senators here, as well. On January 14 of this year, for example, the President signed into law the Nuclear Energy Innovation and Modernization Act. That legislation, led by Republican Senator BARRASSO and cosponsored by both Republicans and Democrats, paves the way for new advanced nuclear technologies, which will help further reduce carbon emissions.

Here is what the Democratic ranking member of the Environment and Public Works Committee had to say about this bill:

Nuclear power serves as our nation’s largest source of reliable, carbon-free energy, which can help combat the negative impacts of climate change and at the same time, foster economic opportunities for Americans. . . . This is another important step in our fight against climate change.

That is from the Democratic ranking member of the Senate Environment and Public Works Committee. Let me repeat that. “This is another important step in our fight against climate change.” That is coming from a key Democrat on a key committee that deals with this issue. That is not a Republican talking; that is the Democratic ranking member of the Environment and Public Works Committee.

Then, of course, there is the Furthering Carbon Capture, Utilization, Technology, Underground Storage, and Reduced Emissions Act. Granted, that is a fairly long title. Several Republicans are original cosponsors of that. It became law as part of the Bipartisan Budget Act of 2018. The FUTURE Act, as it is referred to, extends and expands tax credits for facilities with carbon capture, utilization, and sequestration technologies, which are referred to as CCUS technologies.

Here is what the Clean Air Task Force had to say about this legislation:

[T]he U.S. Congress took a landmark step by passing one of the most important bills for reducing global warming pollution in the last two decades.

That is a quote from the Clean Air Task Force and what they had to say about that legislation.

Then there is the Nuclear Energy Innovation Capabilities Act, led by Republican Senator MIKE CRAPO, which

became law in September. This legislation will help support the development of advanced nuclear reactor designs, which will increase America's supply of clean and reliable energy.

Here is what the junior Democratic Senator from Rhode Island had to say about this legislation:

Partnerships between the private sector and our world-class scientists at national labs will help bring new technologies forward to compete against polluting forms of energy. . . . I am proud to have worked with Senator CRAPO to get this bipartisan energy legislation over the finish line.

Here is what the junior Democratic Senator from New Jersey had to say:

Reducing our carbon emissions as quickly as possible requires prioritizing the development and commercialization of advanced nuclear reactors, which will be even safer and more efficient than current reactors. Passage of this legislation will provide critical support to startup companies here in the United States that are investing billions of dollars in these next generation reactor designs.

Here is what the Democratic whip himself had to say:

I was proud to join Senator CRAPO on this bipartisan bill.

I could go on. I could talk about the 2018 farm bill, which, in the words of Earth Justice, contains "a number of provisions that incentivize more climate-friendly practices." I serve on that committee. I was involved in the conservation title and the drafting of that, including a number of provisions in there. I could talk about the provision in the Bipartisan Budget Act of 2018 to ensure the completion of our first two new nuclear reactors in a generation, which will prevent 10 million tons of carbon dioxide emissions annually; or the extension of wind and solar clean energy tax credits; or the bipartisan America's Water Infrastructure Act, which will help advance hydropower projects—a significant source of emission-free energy.

Suffice it to say that Republican Senators have passed more than one bill to protect our environment and help America achieve a clean energy future, and we are not stopping here. So why all the misdirection on the part of the Democrats? I am sure Democrats think it is politically advantageous to portray themselves as the only party that is invested in clean energy.

Then, of course, Democrats are desperate to distract from the details of the \$93 trillion Green New Deal that their Presidential candidates have embraced. That is right—I said \$93 trillion. One think tank has released the first estimate of what the Green New Deal will cost, and the answer is between \$51 trillion and \$93 trillion over 10 years. That is an incomprehensible amount of money.

For comparison, the entire Federal budget for 2019 is less than \$5 trillion. The 2017 gross domestic product for the entire world, the entire planet, came to \$80.7 trillion—more than \$10 trillion less than Democrats are proposing to spend on the Green New Deal. Ninety-

three trillion dollars is more than the amount of money the U.S. Government has spent in its entire history. Since 1789, when the Constitution went into effect, the Federal Government has spent a total of \$83.2 trillion. That is right—it has taken us 230 years to spend the amount of money Democrats want to spend in 10.

Even attempting to pay for the Green New Deal would devastate working families, who would be hit with incredibly high new taxes. Let's be very clear about this. This is not a plan that can be paid for by taxing the rich. Taxing every family making more than \$200,000 a year at a 100-percent tax rate for 10 years wouldn't get Democrats anywhere close to \$93 trillion. Taxing every family making more than \$100,000 a year at a 100-percent tax rate for 10 years would still leave Democrats short of \$93 trillion.

Of course, the amount of money we are talking about, as horrifying as it is, is just one negative aspect of the Green New Deal. Democrats' Green New Deal is a full-blown socialist fantasy that would put the government in charge of not just energy but healthcare and all the other various aspects of the American economy.

One of the Green New Deal's authors posted and then deleted a document from her website noting that the Green New Deal would provide economic security for those unable or unwilling to work. That is right—in the Democrats' socialist fantasies, apparently the government will provide you with economic security if you are unwilling to work. Let's hope there are enough willing workers to fund those who are unwilling to work. After all, that \$93 trillion has to come from somewhere.

It is no wonder that Democrats are trying to change the subject when it comes to the Green New Deal. They don't want to have to defend the specifics of their plan because their plan is, frankly, indefensible.

If the Democrats would like to have a serious discussion about energy, they should repudiate the unfathomably expensive Green New Deal and join Republicans in focusing on ways to secure a clean energy future without devastating the economy or bankrupting working families.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. BURR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO CHRISTIAN COOK

Mr. BURR. Mr. President, I rise to recognize a gentleman by the name of Christian Cook.

Christian Cook has been a vital member of the staff on the Senate's Select Committee on Intelligence for the last 8 years and has been my personal des-

ignee on the committee for the majority of that time. Throughout Christian's career, he has continuously put his country above himself and has been tirelessly dedicated to achieving excellence in all areas of his work across the national security spectrum.

His passion to serve first led him to become a special agent for the U.S. Secret Service, where he expertly conducted investigations of violations of Federal criminal law and threats against the President and Vice President. He worked diligently to ensure that the safety and security of the President, the Vice President, and numerous foreign heads of state were without question. Christian also served a pivotal role in the design, preparation and execution of the security plan for the 2005 Presidential Inaugural Parade. Christian's focus on supporting national security efforts continued when he transitioned to the private sector.

While working with Booz Allen Hamilton, he skillfully developed time-sensitive and complex tactical solutions for classified U.S. intelligence clients. With The Cohen Group, Christian provided strategic insights that enabled key clients to meet their evolving global security needs. At the USIS, he also seamlessly managed complex, classified programs for the U.S. intelligence community and for Federal law enforcement Agencies, substantially strengthening their counterterrorism capabilities.

Christian subsequently joined the Senate Select Committee on Intelligence. It is hard to know where to start to list his many accomplishments. In the last 8 years, he has done everything, and he has done it all to his own exceedingly high standards. He initially served with the audits team and was intricately involved in the committee's oversight of the U.S. intelligence community's 17 intelligence Agencies. By conducting thorough reviews of specific intelligence programs, his expert knowledge and deep insight enabled the committee to identify items of concern and outline proposals for their improvement.

It quickly became clear to me that Christian had an unsurpassed capability to conduct intelligence oversight but also a unique ability to analyze complex challenges and identify solutions. At that time, I personally selected him to be my designee on the committee. As my designee, he expertly analyzed and advised me on the myriad of threats across the intelligence landscape.

He also flawlessly facilitated the development, passage, and implementation of critical intelligence-related legislation in this body.

Several of Christian's colleagues have had the privilege to work with him for years. When asked what words best describe Christian, numerous clear themes resound, such as dedication, his passion for our Nation and its security,

very high standards, devotion to mission, and for always ensuring that the trains run on time.

Without fail, Christian is the person all staff goes to for insight, for guidance, and assistance with getting their job done. His colleagues appreciate his honesty, his integrity, and his ability to disarm anyone with a laugh and a warm word of appreciation.

When I became chairman of the Senate Select Committee on Intelligence, Christian was my clear choice to serve as my senior policy adviser and deputy staff director. In these critical roles, Christian expertly led the development and implementation of the strategic direction for the 15 Members of the U.S. Senate who sit on this committee and the committee staff. Regularly arriving at the office long before sunrise, he directed the day-to-day planning and execution of the committee's key oversight functions, to include establishing and managing the committee's complex open and closed hearing schedule, facilitating the confirmation process for numerous Presidential nominees, and managing the ongoing interactions between members of the committee and the leaders of 17 intelligence Agencies. He also adeptly coordinated the collaboration with other congressional committees and managed the daily activities of the committee's professional staff and administrative staff.

Separately and concurrently, Christian also continued to serve as my intelligence and national security advisor, providing keen insight and valuable advice on the full range of national security challenges. Throughout my time as chairman of the committee, I have always known I could count on Christian to provide me with critical background and sage advice on every issue, without fail, thanks in part to his uncanny ability to call to mind any facts he picked up in the last 8 years.

I note for the record the length of this list of responsibilities reflects Christian's hard work, long hours, and dedication. It also highlights the value he brings to me and to the committee. Christian has the foresight to anticipate problems, the instinct to pick the right time to drive forward, and the superior judgment to know the path right ahead.

Christian's tireless service was made possible not just because of his own dedication and character but because he was confident in the love and support of his wife Christina and the adoration of three young and precious sons—Casson, Callen, and Caulder. For their own sacrifice and for their willingness to share Christian with the committee, we are indebted to them.

I might say, on a personal note, at times he could, on weekends or breaks, be home with his three boys and his wife, instead he has been on an airplane with me flying somewhere around the world that nobody would consider a vacation site—traveling halfway around the world and back in

less than 3½ days, and that was done regularly. Now he will have an opportunity to get some normalcy to his life.

Christian's unwavering support to me has been impeccable. I am delighted to have the opportunity to publicly thank him and to note my personal appreciation for his dedication. He has earned our deepest respect, our admiration, and we will miss his devotion and his friendship. His positive impact on U.S. national security and his legacy within the Senate Select Committee on Intelligence will remain for years to come. I know I join the other 14 members in publicly saying to Christian that we wish him great success in the next chapter of life. We hope this one gives him the opportunity to see his children grow and to grow his relationship with his wife.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BORDER SECURITY

Mr. CORNYN. Mr. President, the news cycle is relentless here in Washington, DC, and between cable TV and social media, it is pretty hard to remember what happened an hour or a day or a week ago, but it is important to talk about the context surrounding today's circumstances, and that is why I wanted to come talk a little bit more about what is happening on our southern border.

Twelve hundred miles of Texas is common border with Mexico, and we are at ground zero when it comes to what comes across the border and what happens at the border. Frankly, it is a lot more complicated than most people seem to appreciate, at least by the way they talk about it.

Not only is the border a source of economic energy for our country, by trade and legitimate travel, we know our border communities themselves are among the safest in the country. Their crime statistics are basically equivalent to that of any other comparable city in any other part of the country, but what happens across the border is a very different story.

Some of the most dangerous cities in Mexico are right there along the border, primarily because they are still controlled by the cartels that operate what are called plazas where they essentially take tolls or shake down people who are trying to come across for whatever purpose it might be, whether it is people coming across to find a job in the United States or drug traffickers or human traffickers—people selling women and children for sex or human servitude.

So it is a complicated scenario, to be sure, but one thing I can tell you is, there is a humanitarian crisis at the

border that was not manufactured by the Trump administration. In fact, the denial in which a lot of our Democratic colleagues find themselves I think is more related to the fact that President Trump is the one currently identifying it rather than the facts on the ground because, in 2014, President Obama called what was happening at the border a humanitarian crisis, and that did not seem to be a controversial comment at the time, but now that President Trump is calling this a crisis and emergency, people, unfortunately, can't take off their partisan jersey, and many call it a fake emergency or fake crisis, which is demonstrably false.

Let's go back to 2014. That year, about 68,000 families were apprehended at the southern border, an overwhelming number. This, coupled with an unprecedented surge of unaccompanied children, led President Obama, as I mentioned, to call this a "growing humanitarian and security crisis." That was President Obama. He was right, especially about the growing part.

Let me just pause for a moment to talk about why are we seeing children and families coming across the border as opposed to adult men.

We detained about 400,000 people coming across the border last year, but we are seeing more and more unaccompanied children and family units coming across the border. The simple fact is, the criminal organizations that exploit this vulnerability at our border have figured out what our laws provide for and where the gaps are, and they realize, if an unaccompanied child or a family unit comes across the border, current law requires us to separate the adult from the child—because we don't want to put a child in a jail or detention facility—and place them, through Health and Human Services, with a sponsor, ultimately, in the United States.

Once they get a sponsor in the United States, then it may be years, if ever, before their asylum claim is actually heard in front of an immigration judge. The fact is, in the vast majority of circumstances, that asylum claim will be granted—or I should say mooted by the fact that people don't show up months and years later for their hearing in front of the immigration judge but simply melt into the great American landscape.

In this case, the cartels win, and American border security loses because our Democratic colleagues simply refuse to work with us to make commonsense fixes to this broken asylum system which allows the cartels and children and family units to essentially exploit the vulnerabilities in our laws and successfully make their way into the country.

That is what they call a pull factor. There are push factors because of the violence occurring in countries in Central America, but the pull factor is the fact that if you try to come to the United States as an unaccompanied

child or a family unit, you will likely succeed. So it should be no surprise to any of us that these numbers continue to grow.

Back when President Obama talked about this being a growing humanitarian and security crisis, there were 68,000 family units apprehended at the border. In the last 5 months alone this year, there have been more than 136,000 family units apprehended along the southern border.

Historically, we witness the highest numbers of apprehensions in the spring and summer months, so I anticipate things will not get better—they will only get worse—in the months ahead. My State and our border communities are certainly feeling the brunt of these growing numbers.

We also know, as the Border Patrol has told us, that the cartels that move illegal drugs into the United States frequently try to flood the border with migrants, these family units, in order to distract law enforcement personnel from the heroin or the methamphetamine or the synthetic opioids, mainly fentanyl, that come across our border and poison so many Americans.

We know that last year alone, more than 70,000 Americans died of drug overdoses. A substantial amount of that was opioids, including the synthetic fentanyl. Frequently, the precursors come from China through Mexico and into the United States, and 90 percent of the heroin used in the United States comes from Mexico. This is a serious matter, and we should not turn a blind eye to it.

Compared to this time last year, family unit apprehensions have grown 200 percent in the Rio Grande Valley Sector. That is McAllen, TX, and that area. They are up more than 490 percent in the Del Rio Sector, and, most staggering, in the El Paso Sector, family unit apprehensions have increased more than 1,600 percent.

For those who believe this is somehow a fake emergency or not really a crisis, I would ask them: If those numbers were doubled or tripled, would they believe there is a crisis or an emergency? I believe there is now, and I believe those who deny that a crisis exists are simply turning a blind eye to it for, unfortunately, mainly partisan purposes.

Despite what many on the left claim, there is indeed a humanitarian crisis on the border. In addition to the waves of Central Americans arriving by the thousands, we are also trying to stop the flow of illegal narcotics, as I said, and combat the disgusting practice of human smuggling.

Last week, the Senate Judiciary Committee heard from U.S. Customs and Border Protection Commissioner Kevin McAleenan, who leads the more than 60,000 professionals working to provide security and a safe place for trade to come across our ports of entry. Many of these employees of Customs and Border Protection call Texas home and work alongside of State and

local law enforcement to protect us and our neighbors from the dangerous goods and, yes, persons trying to cross the border illegally.

Of course, the C in CBP stands for Customs, and they are also charged with promoting the safe and efficient movement of legitimate trade and travel. In Texas, given our proximity to the border, given our location, that is a big task. Our State is the No. 1 exporter in the country, with exports last year totaling more than \$315 billion. That is exporting things that we grow, livestock that we raise, and manufactured goods that we make. We sell those to Mexico, our biggest customer far and away.

Folks who live and work along the southern border are proud of the strong bonds our country has with our southern neighbor and the dynamic culture in the region. Many have family on both sides of the border, which makes it an extraordinarily unique place in our country. Thanks to the dedicated Federal, State, and local law enforcement officials, flourishing businesses, and a vibrant community, the border region is thriving.

I was on the telephone with one of my constituents from McAllen, TX, yesterday. He said: Our cities on the border are safe. You would think, from what you hear from the national discussion and debates in Washington, that people have to wear body armor in McAllen, TX.

I said: Well, part of the problem is that people are confusing the dangerous flow of goods and people across the border with actual violence occurring on the border.

Just to reiterate, our border communities on the U.S. side are some of the safest in the country. On the other side, for example, Juarez, which is on the other side of the border from El Paso, has historically been one of the most dangerous places on the planet, as well as Tamaulipas, which is the Mexican State right opposite of McAllen—again, a hot bed of cartel activity and violence.

But U.S. cities, I would say, are relatively safe, just like any other comparable city in the United States. So people perhaps not knowing better or, maybe, perhaps just trying to make a better story out of the facts, and I think conflate these ideas. But there is no doubt that the drugs, the human trafficking, and the masses of humanity coming across our border are creating a crisis at the border of a humanitarian and security nature.

Of course, between the ports of entry—and the ports of entry are where the legitimate trade and travel come across our international bridges—there are vast swaths of land that are relatively unpatrolled. The closest Border Patrol agent could be miles away—something human smugglers know and they exploit. These aren't good Samaritans leading immigrants to a better life. They are criminals who put profit before people and have zero regard for human life.

According to a 2017 study by Doctors Without Borders, 68 percent of the migrants reported being victims of violence during transit from Mexico or through Mexico, and 31 percent of the women surveyed had been sexually abused during the journey. These are the migrants who turn themselves over to the tender mercies of these criminal organizations. Sixty-eight percent have been victims of violence, and 31 percent of the women have been sexually assaulted. The journey these families face on their way to the United States is a harrowing one, and some of them don't make it. We have to continue working to stop anyone even considering this journey from attempting it.

I still remember going to Falfurrias, TX, which is away from the border but is a Border Patrol checkpoint. What happens is that the coyotes will bring people across the border, put them in stash houses in sickening and inhumane conditions, and, then, when the time is right, put them in a vehicle and transit them up our highway system. The Falfurrias checkpoint in Brooks County is one of the ones that checks people coming through on their way into the mainland.

But what happens is that the smugglers will tell the migrants: Get out of the car before the checkpoint. Here is a milk carton or jug full of water.

Maybe they give them some candy bars or the like, and say: We will see you on the other side.

So many of the migrants—particularly in the hottest part of the summer in Texas—unfortunately, die making that trip. I have been to Brooks County and have seen some of the unidentified bones and remains of migrants who died trying to make that trip.

Of course, you can imagine coming from Central America in the first place. By the time they even get to Falfurrias and Brooks County and the checkpoint, many of them are already suffering from exposure, including dehydration.

As you can imagine, during the time I have been in the Senate, I have spent a significant amount of time along the border meeting with CBP personnel, law enforcement officials, small businesses, landowners, community leaders, and other citizens about the challenges they and we are facing and what it is we might be able to do here in Washington to help. What I have heard repeatedly is that we need a three-pronged approach.

I know we are primarily focused on or obsessed with physical barriers, and that is certainly a piece of it, but that is only one of the three elements that we need to deal with border security. We need barriers in hard-to-control areas. We need personnel. We need the Border Patrol. And, yes, we need technology. Technology can be a force multiplier, we all know, to help the Border Patrol identify drug smugglers or human traffickers or coyotes bringing human or economic migrants across. What works best in one sector isn't

what is necessarily best for another. So this idea that we would build a physical barrier across the entire State is just nonsense. That is not what the President has proposed.

I remember that former Secretary of Homeland Security John Kelly, later the Chief of Staff, said: We are not proposing to build a wall “from sea to shining sea”—because he knew what we know, and that is that what works best in one sector doesn’t work well in another.

So we need to keep both the funding and the flexibility to provide the most needed resources that will work best. That is not something we should be trying to dictate or micromanage from thousands of miles away. As I mentioned, the humanitarian crisis has evolved significantly since 2014, and I have no doubt that it will continue to evolve in the coming years. We need to continue the conversation with experts on the ground and stakeholders on the ground and make sure that we can adapt as the threat evolves.

Based on feedback from my constituents in Texas, the funding bill we passed last month included five specific areas, including the Santa Ana Wildlife Refuge and the National Butterfly Center, where barriers cannot be constructed. It also included language stating that DHS must consult with local elected officials in certain counties and towns. I happen to believe that kind of consultation can be very positive and can lead to a win-win situation.

I will mention just one location in Hidalgo County, TX. They are right there on the river, and they had to improve the levees because they were worried about the rains leading to floods and the destruction that would follow. In order to deal with improvement of the levee system, they actually worked with the Border Patrol to come up with what they called a levee wall, which helped the Border Patrol control the flow of migrants to places where they could be accessed most easily, but it also provided the improvement in the levee system that helped the Rio Grande Valley, and, particularly, Hidalgo County to develop those counties without prohibitively high or even nonexistent insurance coverage. So that is an example of how, by consulting with local stakeholders, we can come up with win-win scenarios.

The border region’s future is bright, thanks to the dedicated law enforcement professionals, elected officials, and business community leaders who keep it safe and prosperous, but we simply can’t turn a blind eye and ignore the high level of illegal migration and substances moving across our border. We can’t turn a blind eye to the migrants being left for dead in the ranchlands by human smugglers. We can’t ignore the humanitarian crisis that continues to grow at an exponential rate.

The President’s emergency declaration was his commitment to finally ad-

dress the problems that overwhelmed our communities along the southern border—both in 2014, when President Obama identified it, and today. It is our duty to deliver real results—not only for the people of Texas but for our friends to the south.

I have heard the concerns raised by my constituents and colleagues about the use of emergency powers in this situation, and I share some of those concerns. I still believe that the regular appropriations process should always be used, but, unfortunately, we saw a refusal on the part of the Speaker of the House and others to engage in bona fide negotiations on border security funding, and that left the administration with what it deemed to be an inadequate source of revenue to do the border security measures they felt they needed in order to address the humanitarian crisis.

Rather than engaging with the President and debating whether the President has the authority to declare a national emergency for border security—which he clearly does—I think our discussions should focus on the structure of emergency powers laws moving forward and whether Congress has delegated too much power, not just to this President but to any President under these circumstances.

I think Brandeis University did a survey of all of the congressional grants of emergency powers that Congress has made over the last years and has identified 123 separate statutes which, if the President declares a national emergency, will allow the President to reprogram money that has been appropriated by Congress for various purposes. I think that is a serious over-delegation of authority by Congress to the executive branch, which is why I intend to cosponsor a bill introduced by our colleague, Senator LEE from Utah, to give Congress a stronger voice in the processes under the National Emergencies Act.

I am going to continue to come to the floor to argue with my colleagues about what we need in that unique part of our country, which is the border region, not only to have a prosperous region in America but also to have a safer America. It is not as simple, frankly, as some people would have it be, and it should not be the subject of partisanship and game-playing, like we have seen the debate over border security under the President’s request become.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. HASSAN. Thank you, Mr. President.

It is good to hear from my colleague from Texas. I am here to talk about two different issues, but I did just want to say that I have had the pleasure and honor of visiting Senator CORNYN’s wonderful State. In fact, I was at the border last spring. It is a beautiful State that is full of hard-working and welcoming people. Certainly, our men

and women on the frontlines at the border are working incredibly hard and have a lot of excellent ideas about how to secure the border.

I do just want to make one point, which is simply that in addressing a humanitarian crisis at the border, we shouldn’t create another one by separating families at the border. To be clear, there is nothing in our law that requires families to be separated at the border. We simply should not be harming children as we deal with this issue.

I would welcome Senator CORNYN to our Homeland Security Committee, where we have discussed the various options that would keep us from hurting children in our care.

TITLE X

Mr. President, I am here today to rise in opposition to the Trump administration’s domestic gag rule on the title X program.

For more than 40 years, title X has provided women and families with comprehensive family planning and preventive health services. Congress created title X with a strong bipartisan vote, with Members of both parties recognizing how vital the services it provides are. Since then, for those in rural communities, for low-income women and men, and for members of the LGBTQ community, title X-supported health centers have been a major source of preventive care and reproductive health services, including cancer screenings, birth control, HIV and STI tests, and counseling services.

Title X helps communities and people throughout my home State of New Hampshire. Title X-funded centers deliver care to nearly 18,000 Granite Staters annually, and title X-supported Planned Parenthood centers serve 60 percent of those Granite Staters. In some parts of my State, there are no options other than a title X center, and if other options exist, they don’t provide the same expertise and commitment to reproductive healthcare services that title X centers offer. Community health centers around my State do important work, but they have told me that they will not be able to replace the services lost if the administration is successful in its efforts to target Planned Parenthood.

The Trump administration’s gag rule is simply dangerous. It would force providers to violate their professional and ethical standards regarding their obligation to give patients full and accurate information about their healthcare and would discriminate against providers who refuse to curtail truthful communication with their patients. This rule would cut investments in family planning clinics, taking away services that so many people depend on, with a disproportionate effect on low-income families and those who already struggle to access care. This effort is part of the shameless and blatantly political attempts from this administration to restrict access to healthcare.

By attacking providers, such as Planned Parenthood, the Trump administration is once again threatening the health and economic well-being of millions. Women in New Hampshire and across the country deserve better. They should have the right to make their own choice about if or when to start a family, and they should be able to visit providers of their choice who understand their healthcare needs and will be truthful about their healthcare options and realities. This title X gag rule undermines all of that.

I am going to continue to stand up for a woman's constitutionally protected rights, and I will do everything I can to fight back against these partisan attempts from the Trump administration to undermine women's reproductive healthcare.

Thank you.

NOMINATION OF NEOMI J. RAO

Mr. President, I also want to take a moment to express my opposition to a nominee the Senate is considering today for the DC Circuit Court of Appeals—Neomi Rao.

Ms. Rao is up for a lifetime appointment on the DC Circuit, but her record and previous statements make it clear that she is unfit for this position.

Ms. Rao's writings as a college student are nothing short of outrageous. Ms. Rao once described race as a "hot money-making issue." She has called the fight for LGBTQ equality a "trendy political movement." She has criticized the "dangerous feminist idealism which teaches women that they are equal." Perhaps most disturbing are Ms. Rao's previous writings on campus sexual assault and rape. Ms. Rao once claimed that women shared the responsibility for being raped, saying: "If she drinks to the point where she can no longer choose, well, getting to that point was part of her choice." She also noted that "a good way to prevent potential date rape is to stay reasonably sober."

I know that Ms. Rao has said she regretted these comments now that she is up for this appointment, but that cannot make up for the type of damage that rhetoric like this has done. In 2019, survivors are still not listened to and taken seriously, and dangerous rhetoric and callous beliefs like these have prevented women from coming forward with their experiences of sexual assault in the first place.

I cannot support a nominee who made a decision to publish these types of outrageous sentiments.

If Ms. Rao's previous statements aren't already disqualifying, then her record as a member of the Trump administration certainly is.

As the head of the Office of Information and Regulatory Affairs, OIRA, Ms. Rao signed off on a policy that would allow the Environmental Protection Agency to not use the best available evidence when developing clean air and clean water protections—a policy with dangerous implications given the fact that the Trump administration has ig-

nored science and fought to undermine these protections. Ms. Rao signed off on this policy even after publicly pledging to meet in a Homeland Security and Governmental Affairs subcommittee hearing that she would do just the opposite.

Additionally, one of Ms. Rao's first efforts in the Trump administration was approving an effort to eliminate reporting requirements proposed by the Equal Employment Opportunity Commission to identify wage discrimination with regard to race and gender.

Finally, Ms. Rao approved of the title X gag rule, which, as I just discussed, will harm the health and well-being of people across the country.

It is clear that Ms. Rao is a partisan nominee with a dangerous record.

By the way, she has never tried a case—not in Federal court and not in State court.

Given her past comments, her record in the Trump administration, and her complete lack of experience, it is clear that she does not meet the standard that a lifetime appointment to a vital court requires. I will oppose her nomination today, and I urge my colleagues to do the same thing.

Thank you.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Montana.

THE GREEN NEW DEAL

Mr. DAINES. Mr. President, I would like to start by talking about one of the best things we are known for in Montana, and that is our great outdoors, whether it be our national parks, our iconic wildlife, hunting, or fly fishing. Like all Montanans, I want the peace of mind that I can continue to enjoy these opportunities with my kids and grandkids, just as my dad and my grandpa did with me growing up in Montana.

In Montana, we know how to foster commonsense, locally driven conservation to protect our environment. I am here to tell you today that there is nothing common sense about the so-called Green New Deal. In fact, the Green New Deal is a representation of everything that is wrong with Washington, DC. It is a radical, top-down idea that disregards the impacts on hard-working Montanans and Americans across our country.

You see, in Montana, we rely on a diverse portfolio of energy and fuel sources to help grow our economy, to create good-paying jobs, and to preserve our Montana way of life. In order to live where you also like to play—that is what we call Montana—you need a good-paying job. Montana is still a State where a mom or a dad, a grandma or a grandpa, or an uncle or an aunt can take a child down to Walmart and buy an elk tag over the counter and be at a trailhead to start elk hunting within 30 minutes. We need our ag production. We need clean coal. We need sustainable timber production. These are all part of our Montana way of life. They are all important to the

great State heritage we have. This Green New Deal would uproot all of that.

This Green New Deal sounds more like a socialist wish list than it does some great, bold conservation plan. Calling for an end to air travel, getting rid of all of the cows, and ceasing all production of coal would literally destroy our State's economy. The Green New Deal flat out doesn't work. Montana's rural communities would be left without any power or electricity. In fact, just this month, we saw record cold temperatures in Montana. I was trying to fly back to Washington, DC, a week ago Monday. When I got to our airport there in Bozeman, it was minus-40 degrees. We had to hold the plane for nearly 3 hours because deicing fluid only works at minus-25 and warmer temperatures.

The data that we have now looked at from during that cold snap shows that it was coal-fired generation—in particular, our Colstrip powerplant—that picked up the slack during those low temperatures. It kept the heat on for families across Montana.

Our wind turbines have difficulty working in subzero temperatures, and that is regardless of whether the wind blows. One of the challenges in a State like Montana is that when a high-pressure system moves in, whether in the wintertime or in the summertime—let's take the winter for example. When high pressure moves in, oftentimes that is associated with low temperatures. That usually is when we have a spike in requirements of energy consumption needs on the grid. What happens when a high-pressure system moves in is that the wind stops blowing. There is a reason wind is referred to as intermittent energy.

I am not opposed to the renewables. I think it is wonderful that we have wind energy in Montana. We have solar. We have hydro. We have a great renewable energy portfolio in Montana. But the reality is that during the coldest days of the winter, the wind doesn't blow. In fact, at minus-23 degrees and colder, they have to shut off the wind turbines because of the stress it presents to the materials of the turbines.

In the summertime, when high-pressure systems move in, the temperatures spike on the high side, and the wind stops blowing. At the same time, we have peak load on the grid.

So the commonsense thing to do is to focus on accelerating development of clean coal technology and keeping a balanced portfolio to make sure we meet the spike demands, whether they are in the summertime or in the wintertime.

While we should focus on accelerating investments to help renewables like wind become more reliable, which makes a lot of sense, we should continue to think about how to make renewables better.

The Green New Deal seems to think we all live in a fantasyland. In fact, it states how the United States has a disproportionate contribution to global

greenhouse gas emissions. Reports show that it is Asia, China, India, and other Asian countries. They are the countries that will drive energy consumption 25 percent higher by 2040 and with it, global gas emissions.

The Green New Deal doesn't tell the positive story right here at home that the U.S.—and listen to this—is actually a world leader in technological energy innovation; that is we, the United States, leads the world in reducing energy-related carbon emissions. In fact, since 2007, our emissions have decreased about 14 percent. In fact, it is more innovation, not more regulation, that will further reduce global carbon emissions.

Our world is a safer, more secure place if we accelerate energy innovation here at home, not cut the rug out from under us and cede that leadership to Asian countries. To top it all off, under the Green New Deal, it is the American people and it is Montanans, the hard-working taxpayers, who are going to pick up the bill.

Some estimates have found this radical proposal would cost hard-working families over \$600,000 per household over the proposed timeframe of that deal. That is about \$65,000 every year.

After only 10 years of implementation, Montanans will be stuck with a \$93 trillion tab; roughly, \$10 trillion more than the combined GDP of every nation on the planet in 2017. You see, this Green New Deal has nothing to do with conservation and the environment.

The people of Montana believe in smart and efficient conservation. Listen, I am an avid backpacker. I am an avid fly fisherman. I spend more time in the wilderness than many. My wife and I love to put backpacks on and get back in the High Country and chase golden trout, the elk, and cattle. I love pristine environments. Montanans share a similar passion for the outdoors, but Montanans know we need smart and efficient conservation, and there is not one smart or efficient thing about this proposal.

The Green New Deal is not a bold step forward. It is tragically backward. This is taking us back to Lewis and Clark, but don't take it from me. Take it from the hard-working Montanans, like our mine workers, like our pipe fitters, like our labor unions, which say:

We will not accept proposals that could cause immediate harm to millions of our members and their families. We will not stand by and allow threats to our members' jobs and their families' standard of living go unanswered.

That is why I am here today. We will not let this Green New Deal proposal go unanswered.

WELFARE-TO-WORK PROGRAMS

Mr. President, our Nation's primary welfare-to-work program is broken. The Temporary Assistance for Needy Families Program, also called TANF, was created with bipartisan support in 1996. It was recently reauthorized tem-

porarily, but I believe we need to take bold action to reform it for today's generation.

TANF recognizes that funding and maintaining a job is the most effective way for healthy, working-age parents to go from government dependency to self-sufficiency. It is not about hand-outs. It is about giving a hand to those who need help the most.

Now, the more liberal voices of the times argue that TANF Programs wouldn't work. In fact, it was our former colleague, Senator Daniel Patrick Moynihan, who predicted that TANF would result in "children sleeping on grates, picked up in the morning frozen."

The critics were wrong. They were very wrong. TANF was a huge success. After TANF became law, welfare case-loads plummeted, child poverty declined, and unemployment among low-income, never married parents went up.

Yet more than 20 years after the historic 1996 reforms, Congress has neglected to act on the loopholes that are undercutting its fundamental work requirements.

Today, very few States are meeting the work participation rate required by the law. In fact, my home State of Montana is one of many that is falling short. You see, the law calls for 50 percent of welfare enrollees to be engaged in work. In Montana, they are only reaching about one-third.

Many States are also using TANF dollars for purposes unrelated to work, and we need to hold those States accountable. That means more transparency and accountability metrics.

As we have seen in President Trump's recent budget proposal, the President agrees that stronger work requirements must be a priority of this Congress. We can take the next bold step forward in reforming the TANF system to close these loopholes and get the American people back to work.

We are fortunate our economy continues to grow, and there are more opportunities being created. Just last Congress, we passed tax relief for the American people so working-class families got to keep more of what they earned and small business owners could afford to invest and grow in their business, creating more jobs. Main Street in America is thriving again.

As employers are rapidly looking to hire, we need to close the gap and ensure those jobs are filled by Americans who need them most. A strong, revitalized TANF Program is urgently needed to close this jobs gap and empower more Americans to find work.

We have a problem in this economy now. In fact, there are too many jobs available and not enough people to fill the jobs. That is a wonderful challenge to face. We have seen that now for 10 consecutive months. That is a great problem to face now in our country, but it is still a problem we need to solve. That is why we will be joining the U.S. House Ways and Means Com-

mittee this week to introduce the JOBS Act to demand positive work outcomes, rather than simply meeting ineffective participation rules.

It engages with every work-eligible individual to develop a plan that can lead to a sustainable career. It holds States accountable for their work outcomes and bolsters transparency of every State's performance.

The JOBS Act doesn't just demand work. It enables work. It substantially increases funding for vital childcare services so parents can ensure their child is cared for when they are trying to provide for their families.

It provides struggling beneficiaries with additional time to get the mental health or substance abuse treatment they need before they can hold a job.

It adds apprenticeships as a permissible work activity, alongside job training, getting more education, and building job readiness skills. It targets funds to truly needy families by capping participation to families with incomes below 200 percent of the Federal poverty level.

The JOBS Act recognizes there is dignity in work. A job, to most Americans, is more than just a job. It is an opportunity for mobility. It is a step up toward realizing the American dream. It is a track toward earning higher wages and better benefits. It can be a springboard to a meaningful career, and more importantly, it is hope for those who know hard times all too well. The dignity work brings can provide this hope.

The JOBS Act equips and empowers low-income families toward a better future. I urge my colleagues, Republicans and Democrats, to join me in taking bold action by supporting this important legislation to make our largest welfare-to-work program actually work again.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise today in opposition to the nomination of Neomi Rao to the U.S. Circuit Court of Appeals for the DC Circuit.

The DC Circuit is considered by many to be the most powerful appellate court in the country. This is true in large part because the DC Circuit hears challenges to many actions taken by the Federal Government, including challenges to the adoption or repeal of Federal regulations.

I believe it is particularly relevant that Ms. Rao has a record of working to dismantle key regulations that ensure the air we breathe is safe, that address climate change, and that protect American workers and consumers.

Ms. Rao has a troubling and aggressive record as the head of the Office of Information and Regulatory Affairs. She has led efforts to weaken fuel economy, or CAFE standards, which I authored with Senator Olympia Snowe and which has been the law since 2007. Before the administration proposed freezing these standards, we were set to achieve a fuel economy standard of 54 miles per gallon—MPG—by 2025.

Ms. Rao has also led efforts to repeal the Clean Power Plan. This repeal has been estimated to result in up to 1,400 premature deaths annually by 2030, due to an increase in particulate matter from emissions that are linked to heart and lung disease. Further, the repeal of the Clean Power Plan is expected to cause up to 48,000 new cases of serious asthma and 15,000 new cases of upper respiratory problems every year.

Ms. Rao was also instrumental in reversing the Equal Employment Opportunity Commission's actions to address pay discrimination. Specifically, Ms. Rao eliminated reporting requirements proposed by the EEOC that were designed to identify wage discrimination on the basis of gender or race. Just last week, a Federal judge ruled that Ms. Rao's action was "arbitrary and capricious," which is significant because the arbitrary and capricious standard is high and hard to prove. The judge concluded that Ms. Rao's rationale for her decision was "unsupported by any analysis."

Ms. Rao also approved the recently finalized title X "gag rule" on family planning. Under this rule, any organization that merely refers patients to an abortion provider is ineligible for title X funding. This will result in many women going without lifesaving cancer screenings, and it will reduce access to contraception.

I asked Ms. Rao about her work dismantling these key regulations. In response to me, she downplayed her responsibility, saying that her role was simply to "coordinate regulatory policy."

But when answering the questions of Republican Senators, Ms. Rao expressed pride in her work. Asked specifically about her "primary contribution to pushing forward with deregulation," Ms. Rao responded: "There are a lot of regulations on the books that don't have the effects that were intended And, you know, we're looking to pull back the things that are no longer working."

However, to take just one example, the CAFE standards have been working; they have already saved \$65 billion in fuel costs for American families and prevented the emission of 250 million metric tons of carbon dioxide. Unfortunately, her words don't match the actual actions under her leadership.

Moreover, I asked Ms. Rao if she would commit to recusing herself from any case involving regulations that she worked on while serving in her current position. She refused to make such a commitment.

This is of great concern as other nominees have understood the appearance of bias and unequivocally made such commitments.

For example, President Trump's first nominee to the DC Circuit, Greg Katsas, said, "Under the governing statute, I would have to recuse myself from any case in which, while in the Executive Branch, I had participated as a counsel or advisor or expressed an opinion on the merits."

In addition to her record of dismantling key regulations that protect the environment, consumers, and worker health and safety, Ms. Rao has taken a number of extremely controversial positions in articles she has written. At Ms. Rao's hearing before the Judiciary Committee, I noted that, while the writings that received the most attention are from when she was in college, several are relevant to the work she has led in the Trump administration and to cases she could hear if confirmed.

For instance, in addressing the issue of date rape, Ms. Rao wrote that if a woman "drinks to the point where she can no longer choose, well, getting to that point was part of her choice."

While she has since written a letter expressing that she "lacked the perspective of how [her articles] might be perceived by others," her record demonstrates that these views seem to persist to today. Specifically, Ms. Rao has been personally involved in repealing protections for survivors of campus sexual violence. Ms. Rao has acknowledged that her office approved controversial new rules on campus sexual assault under title IX. Those rules would discourage survivors from reporting their assaults, in part because survivors would be subjected to cross-examination by their attacker's chosen representative. It is safe to assume this change in the guidance will be challenged in the DC Circuit.

In her writings, Ms. Rao also questioned the validity of climate change, criticizing certain student groups for promoting "a dangerous orthodoxy that includes the unquestioning acceptance of controversial theories like the greenhouse effect," which she argued "have come under serious scientific attack."

Again, at the hearing, she tried to mitigate these writings saying, it was her "understanding . . . that human activity does contribute to climate change."

However, during her tenure in the Trump administration, she has led the effort to overturn the very regulations that combat human contributions to climate change. For example, and as I noted previously, she has overseen the administration's efforts to rescind the Clean Power Plan and weaken fuel economy standards.

I am also concerned about Ms. Rao's professional experience. She is not admitted to practice before the DC Circuit, the court to which she has been nominated. She has never served as a judge, and she has never even tried a case.

In response to a question on the Judiciary Committee's questionnaire about the 10 most significant litigated matters that she personally handled, Ms. Rao listed only three, and two of these were arbitration cases that she worked on while serving as an attorney in the United Kingdom.

Ms. Rao's lack of litigation experience therefore raises an important

question as to her qualifications for this seat and suggests that she was nominated not because of her appellate credentials, but because of her anti-regulatory record.

I also have questions about commitments Ms. Rao appears to have made on reproductive rights. I don't believe we should have litmus tests for judicial nominees, and I know many on the other side agree with me on that. Just in 2017, Senator MCCONNELL said, "I don't think there should be a litmus test on judges no matter who the president is."

Yet, on a recent radio program, Senator HAWLEY said that, before he could vote for Ms. Rao, he wanted to "make sure that Neomi Rao is pro-life. It's as simple as that."

Subsequently, Ms. Rao met with Senator HAWLEY in private and presumably assured him that she would be anti-choice. According to Senator HAWLEY, Ms. Rao went further and "emphasized that substantive due process finds no textual support in the Constitution."

Rejecting the entire concept of substantive due process means that Ms. Rao not only believes *Roe v. Wade* was incorrectly decided, but also other landmark cases, like *Griswold v. Connecticut*, which held that States cannot restrict the use of contraception.

I am also concerned about her written responses to our questions for the record. She gave several responses that were misleading at best.

Ms. Rao wrote that the center she founded at George Mason University "did not receive any money from the Koch Foundation." She added that the center "did not receive money from an anonymous donor."

However, according to public records, in 2016, George Mason University received \$10 million from the Koch Foundation and \$20 million from an anonymous donor. The grant agreements executing these donations clearly state that support for Ms. Rao's center was one of the conditions of these multimillion dollar gifts and "Ms. Rao's center benefited from those contributions."

Additionally, Senator WHITEHOUSE asked Ms. Rao if she had any contact with the Federalist Society when considering potential faculty. Ms. Rao responded "no," but clarified the Federalist Society occasionally made recommendations through its faculty division.

What Ms. Rao failed to mention is that she, herself, was a member of the faculty division of the Federalist Society for her entire time in academia. Given this role, I don't understand why she would claim that she had no contact with the Federalist Society when considering faculty candidates.

In closing, my concerns about Ms. Rao, from her writings to her work dismantling regulations to her lack of candor with the committee, are simply too great for me to support her nomination to the DC Circuit. I will vote

against her confirmation, and I urge my colleagues to do the same.

Mr. MARKEY. Mr. President, I rise to speak in opposition to the nomination of Neomi Rao to serve as a judge on the United States Court of Appeals for the District of Columbia Circuit. Ms. Rao is the latest in a string of ultra-conservative judicial nominees who will rubberstamp Donald Trump's far-right agenda. Her record portends a threat to the rights of women and minorities, to consumer protection statutes and regulations, and to the security of our financial institutions.

Moreover, Ms. Rao utterly lacks the experience to serve on the court that many view as second in importance only to the U.S. Supreme Court. She practiced for only 3 years as an associate at a large law firm. None of her practice was in Federal courts or State courts, before administrative agencies, or involved criminal proceedings.

These are disqualifying reasons on their own, but I rise to speak about Ms. Rao's record on the environment, and the contempt she has demonstrated for fair, reasonable, and commonsense regulations that protect the health of our communities and the safety of our air and drinking water.

Ms. Rao currently serves in the Office of Management and Budget as Administrator of the Office of Information and Regulatory Affairs, OIRA. She is commonly known as the Trump administration's "regulatory czar." This role has her in charge of implementing the Trump administration's anti-environment, climate-change-denying, and polluter-friendly agenda.

Ms. Rao has called climate change a "dangerous orthodoxy," led the Trump administration's efforts to gut fundamental environmental protections, and has misused the regulatory review process for partisan political purposes.

The attacks on the environment that Ms. Rao has launched from OIRA include rolling back national auto fuel efficiency standards, challenging California's Clean Air Act waiver that allowed it to set higher fuel efficiency standards, removing safety rules for fertilizer plants, and rolling back safety rules put in place for oil rigs after the Deepwater Horizon oil spill disaster in 2010.

During review of a proposed rollback of the Methane and Waste Prevention Rule, Ms. Rao's office repeatedly pressured the Environmental Protection Agency, EPA, to adopt fossil fuel industry requests to significantly reduce natural gas leak inspections. This would have doubled the amount of methane released into the atmosphere and, according to the EPA's own determination, conflicted with its legal obligation to reduce emissions.

Ms. Rao's office censored language about the impact of climate change on child health when reviewing a proposed rollback of the Refrigerant Management Program, a program that limited the release of greenhouse gases thousands of times more powerful than carbon dioxide.

Ms. Rao's office approved a proposed EPA rule to roll back public health protections that reduce pollution from wood-burning stoves, despite the EPA's own admission that the new rule would cost nine times as much in harm to public health as it would benefit the industry.

Ms. Rao has overseen the Trump administration's repeal of regulations to address climate change, including a repeal of President Obama's historic Clean Power Plan that would have significantly reduced greenhouse gas emissions. By comparison, Ms. Rao has approved a proposal to replace the Clean Power Plan with a rule that would lead to increases in carbon dioxide emissions, asthma attacks, and even death from black carbon, mercury, and other dangerous air emissions from power plants.

It is bad enough that, with Donald Trump, we have a climate-change denier in the White House, and with Andrew Wheeler, we have a coal industry lobbyist running the EPA. We don't need a judge on the DC Circuit whose record demonstrates that she is a sympathetic ally to their anti-environment agenda. I urge my colleagues to vote no on the nomination of Neomi Rao to the DC Circuit Court of Appeals.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Under the previous order, all postcloture time has expired.

The question is, Will the Senate advise and consent to the Rao nomination?

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Washington (Mrs. MURRAY) is necessarily absent.

The PRESIDING OFFICER (Mr. LANKFORD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 46, as follows:

[Rollcall Vote No. 44 Ex.]

YEAS—53

Alexander	Fischer	Perdue
Barrasso	Gardner	Portman
Blackburn	Graham	Risch
Blunt	Grassley	Roberts
Boozman	Hawley	Romney
Braun	Hoeven	Rounds
Burr	Hyde-Smith	Rubio
Capito	Inhofe	Sasse
Cassidy	Isakson	Scott (FL)
Collins	Johnson	Scott (SC)
Cornyn	Kennedy	Shelby
Cotton	Lankford	Sullivan
Cramer	Lee	Thune
Crapo	McConnell	Tillis
Cruz	McSally	Toomey
Daines	Moran	Wicker
Enzi	Murkowski	Young
Ernst	Paul	

NAYS—46

Baldwin	Booker	Cardin
Bennet	Brown	Carper
Blumenthal	Cantwell	Casey

Coons
Cortez Masto
Duckworth
Durbin
Feinstein
Gillibrand
Harris
Hassan
Heinrich
Hirono
Jones
Kaine
King

Klobuchar
Leahy
Manchin
Markey
Menendez
Merkley
Murphy
Peters
Reed
Rosen
Sanders
Schatz
Schumer

Shaheen
Sinema
Smith
Stabenow
Tester
Udall
Van Hollen
Warner
Warren
Whitehouse
Wyden

NOT VOTING—1

Murray

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of William Beach, of Kansas, to be Commissioner of Labor Statistics, Department of Labor, for a term of four years.

Mitch McConnell, David Perdue, John Boozman, Thom Tillis, Mike Rounds, John Hoeven, John Barrasso, Chuck Grassley, Roy Blunt, Johnny Isakson, Lamar Alexander, Mike Crapo, Pat Roberts, John Cornyn, Richard Burr, John Thune, Roger F. Wicker.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of William Beach, of Kansas, to be Commissioner of Labor Statistics, Department of Labor, for a term of four years, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Illinois (Ms. DUCKWORTH) and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

The PRESIDING OFFICER (Mr. PERDUE). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 55, nays 43, as follows:

[Rollcall Vote No. 45 Ex.]

YEAS—55

Alexander	Cruz	Kennedy
Barrasso	Daines	Lankford
Blackburn	Enzi	Lee
Blunt	Ernst	Manchin
Boozman	Fischer	McConnell
Braun	Gardner	McSally
Burr	Graham	Moran
Capito	Grassley	Murkowski
Cassidy	Hawley	Paul
Collins	Hoeven	Perdue
Cornyn	Hyde-Smith	Portman
Cotton	Inhofe	Risch
Cramer	Isakson	Roberts
Crapo	Johnson	Romney